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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,662	10/12/2000	Donald F. Gordon	19880-004010	7766

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PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/687,662

Applicant(s)

GORDON ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 10/9/2006 have been fully considered but are moot in light of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-2, 6-13 & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman, (U.S. Pat # 5,844,620), in view of Gordon, (U.S. Pat # 6,754,905).

Considering claim 1, the amended claimed method for providing an interactive program guide to a terminal comprising:

‘broadcasting less than the total number of available interactive IPG pages, each IPG page being transmitted as an encoded video stream having respective packet identifier (PID)’, reads on including program listings associated with at least one time slot to the terminal’, reads on the disclosure in Coleman that IPG pages may be transmitted to viewers as demand data, such that each IPG page(s) has its own PID for its packet stream, see col. 4, lines 40-50; col. 18, lines 10-40).

Regarding the claimed, ‘receiving a request message from the terminal for at least one IPG page, which includes program listings associated with at least one different time slot from the broadcasted IPG pages’, Coleman teaches a user interaction with an IPG that transmits a page to the user. However, Coleman does not explicitly teach that a request is received ‘from the terminal’, as recited. Nevertheless Gordon, which is in the same field of endeavor teaches that IPG pages may be transmitted to a subscriber upon request from the subscriber, col. 22, lines 34-50, in the event that a requested page is not already loaded at the receiver.

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It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Coleman with the teachings of Gordon, for the desirable advantage accessing IPG page information, not already transmitted to the instant viewer.

‘encoding the requested IPG page and assigning the encoded IPG page a particular PID’, reads on the disclosure in Coleman that the EPG may be transmitted in MPEG format and is associated with a PID, (col. 18, lines 10-45). As for the additional feature of, ‘encoding only a guide portion of the requested IPG page using a temporal slice persistence encoding scheme, the requested IPG page including a guide portion and a background portion’, Coleman teaches separating the transmission of IPG pages according to title & description, and the schedule information, but does not explicitly discuss the breakdown as ‘guide portion’ and ‘background portion’. Nevertheless Gordon, which is in the same filed of endeavor teaches separating IPG page content according to ‘guide portion’ and ‘background portion’, see Abstract; col. 14, lines 32-55; col. 16, lines 20-60; col. 17, lines 33-67 thru col. 18, lines 1-35; col. 34, lines 24-67).

‘demand-casting the encoded guide portion a limited number of times in response to receiving the request’, reads on the disclosure of Gordon, col. 22, lines 15-45.

Considering claim 2, see Gordon, col. 22, lines 15-45.

Considering claim 6, the claimed feature reads on sending an encoded IPG page each time a subscriber makes such a requests, and is met by the combination of Coleman & Gordon.

Considering claims 7-8, 11-12 & 16-18, see Coleman (col. 18, lines 25-48) & Gordon (col. 22, lines 20-50; col. 24, lines 35-50; col. 28, lines 45-60).

Considering claims 9-10, in-band and out-of-band transmission, are necessarily included in Coleman & Gordon.

Considering claims 13 & 19, the claimed elements of a method for regenerating an IPG correspond with subject matter mentioned above in the rejection of claim 1, and is likewise analyzed.

Regarding claim 19, the claimed 'video encoder, transport multiplexor and modulator', reads on the video encoder 420V1, TMUX 430-1, and IF Modulator 440-1 of Gordon, Fig. 4.

Considering claim 20, the claimed session manager operative to receive a request message for the requested IPG page and direct the transport multiplexor to multiplex the requested guide stream into the transport stream, reads on the operation of the file server 470 in Gordon

4. Claims 3-5, 14-15 & 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman & Gordon in view of Rocher, (U.S. Pat # 3,754,211).

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Considering claim 3-5 & 14-15 & 21, Coleman does not teach transmitting an ACK signal when a page is received. However, Rocher teaches transmitting an ACK signal, for the receiver to acknowledge receipt of a data transmission. After the transmitter receives the ACK signal, the next data block is transmitted, col. 4, lines 35-45. If the ACK signal is not received within a certain time window, then the transmitter assumed there has been an error, and resends the data, col. 12, lines 2-10. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Coleman with known technology of halting transmission of data once an ACK signal has been received from a receiver and resending the data at least once, if the ACK signal is not received, for the desirable advantage of insuring reception of a transmitted block of data, as taught by Rocher.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Akins Teaches downloading and storing background graphics in a user system.

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Any response to this action should be mailed to:

Commissioner for Patents
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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



REUBEN M. BROWN
PATENT EXAMINER